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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,744	12/12/2003	Stephen E. Novak	14135US02	9534
23446	7590 10/06/2005		EXAM	INER
	WS HELD & MALLO	GREEN, ANTHONY J		
500 WEST MADISON STREET SUITE 3400			ART UNIT	PAPER NUMBER
CHICAGO, I	L 60661		1755	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    10/734,744			Application No.	Applicant(s)			
Anthony J. Green  The MAILING DATE of this communication appears on the cover sheet with the correspondence address—  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER. FROM THE MAILING DATE OF THIS COMMUNICATION.  **Exercitive for internal bean temperating and efficience in the coverage of the correspondence address—  **Part of the communication of the coverage of the correspondence address—  **Part of the coverage of the coverage of the correspondence address—  **Part of the coverage of the coverage of the correspondence address—  **Part of the coverage of the covera	Office Action Summary		10/734,744	NOVAK, STEPHEN E.			
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Application/Control Number: 10/734,744 Page 2

Art Unit: 1755

#### **DETAILED ACTION**

### Response to Amendment

1. This office action is in response to the amendment submitted on 17 August 2005. Claims 12-13, 21, 23, 26-29, and 31 have been canceled and new claims 37-51 added. Currently claims 9, 11, 16-19, 30, and 33-51 are pending.

## Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the first paragraph of 35 U.S.C. 112:
  - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 3. Claims 9, 11, and 36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The range of 10 to 55 wt% is not supported by the specification as originally filed as the specification recites in paragraph [0020] that "If the antifreeze, deicing, or freeze control composition is a combination of at least two of the active agents, the total concentration of alkali metal salts in said antifreeze, deicing, or freeze control compositions ranges from 30 to 45 wt. %.". Therefore since applicant recites more than one alkali metal salt the amount cannot be in the range of from 10 to 55 wt%. Further the amount recite in claim 11 appears to be incorrect as it is

Art Unit: 1755

outside the total range of 30 to 45wt% which is the total when at least two of the active agents are present.

### Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
  - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claim 35 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is confusing as applicant refers to the diethylene glycol component as a salt which is not correct as diethylene glycol is not a salt.

### Allowable Subject Matter

- 6. Claims 16-19, 30, 33-34, and 37-51 are allowable over the art of record, as the prior art fails to teach and/or fairly suggest the instant invention.
- 7. Claim 35 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J.

Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/734,744

Art Unit: 1755

Page 4

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Anthony J. Green Primary Examiner Art Unit 1755

ajg October 3, 2005

Center (EBC) at 866-217-9197 (toll-free).